IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1827 OF 2005

IN

SUIT NO. 651 OF 1983

Konkan Unnati Mitra Mandal & ors .. Plffs

vs

Bennett Coleman & Co Ltd & ors .. Defts

Mr R.V.Bhide i/b Mr G.Mohanty i.b K.N.Damania for Plff

Mr V.Tulzapurkar with Ms Ghone i.b Kanga & Co for Defts

CORAM: D.G.KARNIK, J

DATE: 30th June, 2005

P.C.

1. This motion is taken out by the defendant nos. 1 and 4 in a suit which is listed for hearing on board. Learned counsel for the defendant nos. 1 to 4 submits that in view of the provisions of Rule 156 of the Bombay High Court (Original Side) Rules

the motion is required to be heard not by the Chamber Judge but by me as it would affect the state of the daily board. Learned counsel for the plaintiffs refers to and relies upon the judgment of the Single Judge of this Court in The Godavari Sugar Mills Ltd vs The Kopargaon Sahakari Sakhar Karkhana Ltd (Suit No.1636 of 1979) decided on 11th February, 2000. The submission is accepted and motion is taken up for hearing by consent.

2. By consent of the plaintiffs motion is allowed in terms of prayer clauses (a) and (b). Defendant nos. 1 and 4 tenders the written statement which is taken on record.

3. In view of this, order dated 16th June 2005 directing the suit to proceed without written statement is set aside and suit be listed for framing of the issues.

4. S.O.to 14th July, 2005.

D.G.KARNIK, J